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10/523,941	02/08/2005	Ljubomir Milanovic	AT 020050	9428

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EXAMINER

LENNOX, NATALIE

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,941

Applicant(s)

MILANOVIC, LJUBOMIR

Examiner

Natalie Lennox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/08/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All. b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>October 3, 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The duty to disclose, as stated in applicant's Oath/Declaration, is incorrect, it should read: "I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with the Title 37, Code of Federal Regulations Section 1.56."

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "possibly" in claims 1, 10, and 12 is a relative term which renders the claim indefinite. The term "possibly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear if the applicant is claiming the signal comprising the video information or not. Further, claim 4 is directed towards the video information, which, as specified in claims 1, 10, and 12, may not be present in the signal. For examining purposes, examiner interprets the signal as containing video information.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 7, 12, 13, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view Kahn (US Patent 7,013,273).

As per claim 1, Shintani teaches a method for the processing of at least two input signals (Si) which contain audio information (Ai) and possibly also video information (Vi), in which method the audio information (A1) and possibly also video information (V1) of a first input signal (S1) is processed for acoustic and possibly also audiovisual reproduction, and at least a second input signal with text information (T2) concerning the audio information (A2) contained in at least the second input signal (S2) and the text information being optically reproduced (Fig. 1 illustrates the TV Video signal V1 and TV Audio signal A1 and Fig. 2(c) illustrates the audiovisual reproduction of both signals, the main image is the video signal V1 with the "HELLO" audio reproduction of A1, also a second input signal A2 and V2, A3 and V3, or A4 and V4 from Fig. 1 with text information (16 sub from Fig. 2(c)) concerning the audio information contained in the second input signal, the text information being optically displayed (Fig. 2(c)).

However, Shintani does not specifically mention the input signal (S2) being applied to speech recognition means (11). Conversely, Kahn teaches an input signal being applied to speech recognition means (Speech Recognition Module (SRM) 12 from Fig. 1, also Col. 7, lines 33-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the input signal (S2) being applied to speech recognition means as taught by Kahn for Shintani's method because not all programs are readily adaptable to the technique of embedding closed caption information, and with the speech recognition means closed caption data may be provided to live events or to programs filmed prior to the advent of closed-captioning technology, and thus aid hearing impaired viewers in understanding such programs (Col. 1, lines 24-30).

As per claim 2, Shintani, in view of Kahn, teach a method as claimed in claim 1. Shintani does not, but Kahn teaches the text information (T2) being reproduced as a running text (Kahn's Fig. 5 and Col. 8, lines 45-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the text information (T2) being reproduced as a running text as taught by Kahn for Shintani's method because it provides the current line being displayed to "scroll" upward and allow room for a new line of closed captioning data (Col. 8, lines 37-41).

As per claim 4, Shintani, in view of Kahn, teach a method as claimed in claim 1, in which the video information (V1) of the one input signal (S1) and the text information (T2) are reproduced on a common monitor (13) (Shintani's Fig. 2(b) and 2(c)).

As per claim 5, Shintani, in view of Kahn, teach a method as claimed in claim 1, in which the second input signal (S2) is selected (Shintani's Col. 3, lines 21-37).

As per claim 7, Shintani, in view of Kahn, teach a method as claimed in claim 1. Shintani does not, but Kahn teaches parameters of the speech recognition means (11) are modified on the basis of the text information (T2) of the second input signal (S2) (Kahn's Col. 6, lines 44-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of parameters of the speech recognition means (11) being modified on the basis of the text information (T2) of the second input signal (S2) as taught by Kahn for Shintani's method because these modifications aid in the speech recognition for a particular program (Kahn's Col. 6, lines 45-47).

As per claim 12, Shintani teaches a device for the processing of at least two input signals (Si) which contain audio information (Ai) and possibly also video information (Vi), which device includes a reproduction device (10) for the reproduction of a first input signal (S1), and text information (T2) contained in the audio information (A2) of at least one second input signal (S2), and an optical reproduction device (12) for the

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reproduction of the text information (T2) (Fig. 1 illustrates the TV Video signal V1 and TV Audio signal A1 and Fig. 2(c) illustrates the audiovisual reproduction of both signals, the main image is the video signal V1 with the "HELLO" audio reproduction of A1, also a second input signal A2 and V2, A3 and V3, or A4 and V4 from Fig. 1 with text information (16 sub from Fig. 2(c)) concerning the audio information contained in the second input signal, the text information being optically displayed (Fig. 2(c))).

However, Shintani does not specifically mention the device comprising speech recognition means (11) for determining text information (T2) contained in the audio information (A2). Conversely Kahn teaches speech recognition means (11) for determining text information (T2) contained in the audio information (A2) (Speech Recognition Module (SRM) 12 from Fig. 1, also Col. 7, lines 33-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the input signal (S2) being applied to speech recognition means as taught by Kahn for Shintani's method because not all programs are readily adaptable to the technique of embedding closed caption information, and with the speech recognition means closed caption data may be provided to live events or to programs filmed prior to the advent of closed-captioning technology, and thus aid hearing impaired viewers in understanding such programs (Col. 1, lines 24-30).

As per claim 13, Shintani, in view of Kahn, teach a device as claimed in claim 12, in which the reproduction device (10) for the reproduction of an input signal (S1) and the

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reproduction device (12) for the reproduction of the text information (T2) determined are formed by a common monitor (13) (Shintani's Fig. 2(b) and 2(c)).

As per claim 15, Shintani, in view of Kahn, teach a device as claimed in claim 12, in which control means (15) are provided for the selection of the input signals (Si) (Shintani's Control 300 from Fig. 1).

As per claim 21, Shintani, in view of Kahn, teach a device as claimed in claim 12, in which the reproduction unit (10) for the reproduction of an input signal (S1) is formed by a television receiver (20) (Shintani's Col. 2, lines 8-14).

6. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) as applied to claims 1 and 12 above, respectively, and further in view of Lange et al. (US 2001/0025241).

As per claim 3, Shintani, in view of Kahn, teach a method as claimed in claim 1, but they do not specifically mention the text information (T2) being buffered and reproduced in a delayed fashion.

However, Lange et al. teach text information (T2) being buffered and reproduced in a delayed fashion (step 130 from Paragraph [0037] and Fig. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of text information (T2) being buffered and reproduced in a delayed fashion as taught by Lange et al. for Shintani's method, as modified by Kahn, because displaying the contents of the write buffer at predetermined time intervals allows users sufficient time to read the displayed captioning data (Lange's paragraph [0037]).

As per claim 14, Shintani, in view of Kahn teach a device as claimed in claim 12, but they do not specifically mention storage means (14) being provided for the storage of the text information (T2) determined.

However, Lange et al. teach storage means (14) being provided for the storage of the text information (T2) determined (Paragraph [0037], first 3 lines).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature storage means (14) being provided for the storage of the text information (T2) determined as taught by Lange et al. for Shintani's method, as modified by Kahn, because this permits a requested formatting to be applied to the text data, as well as providing the contents of the buffer at predetermined time intervals to allow users sufficient time to read the displayed captioning data (Lange's paragraph [0037]).

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) as applied to claims 5 and 15 above, and further in view of Freeman et al. (US 2002/0129374).

As per claim 6, Shintani, in view of Kahn, teach a method as claimed in claim 5, but they do not specifically mention the second input signal (S2) being selected on the basis of stored information (I2).

However, Freeman et al. teach the second input signal (S2) being selected on the basis of stored information (I2) (Paragraphs [0018]-[0019], and [0065], also Fig. 12 and paragraph [0168]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the second input signal (S2) being selected on the basis of stored information (I2) as taught by Freeman et al. for Shintani's method, as modified by Kahn, because using stored personal profile information allows the system to switch interactively between data streams and video signals without any additional response from the user (Paragraph [0065]).

As per claim 16, Shintani, in view of Kahn, teach a device as claimed in claim 15, but they do not specifically mention a memory (16) being provided for information (Ii), which memory (16) is connected to the control means (15) in such a manner that the input signals (Si) are selected on the basis of the information (Ii) stored in the memory (16).

However, Freeman et al. teach a memory (16) being provided for information (li), which memory (16) is connected to the control means (15) in such a manner that the input signals (Si) are selected on the basis of the information (li) stored in the memory (16) (Fig. 2 and paragraph [0065], also Fig. 7 and paragraph [0135]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a memory (16) being provided for information (li), which memory (16) is connected to the control means (15) in such a manner that the input signals (Si) are selected on the basis of the information (li) stored in the memory (16) as taught by Freeman et al. for Shintani's method, as modified by Kahn, because using stored personal profile information allows the system to switch interactively between data streams and video signals without any additional response from the user (Paragraph [0065]).

8. Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) as applied to claims 1 and 12 above, respectively, and further in view of Wolff et al. (US Patent 5,946,050).

As per claim 8, Shintani, in view of Khan, teach a method as claimed in claim 1, but they do not specifically mention the text information (T2) being compared with stored texts (Ts).

However, Wolff et al. teach text information (T2) being compared with stored texts (Ts) (Col. 1, lines 52-67, and Col. 2, lines 1-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of text information (T2) being compared with stored texts (Ts) as taught by Wolff et al. for Shintani's method, as modified by Kahn, because Wolff provides a keyword listening device for controlling devices in response to the recognition of specified sounds (Col. 1, lines 1-6), wherein identifying keywords in a broadcast and providing the user with a functional control of a device prevents from requiring a large investment on the part of broadcasters, advertisers and cable companies (Col. 1, lines 46-51).

As per claim 9, Shintani, in view of Khan and Wolff et al., teach a method as claimed in claim 8, in which the text information (T2) is reproduced if it corresponds to stored texts (Ts) (Wolff's Fig. 5 steps 66, 76 and 78, also Col. 4, lines 37-59, wherein the text information is the network address).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the text information (T2) being reproduced if it corresponds to stored texts (Ts) as taught by Wolff et al. for Shintani's method, as modified by Kahn, because Wolff provides a keyword listening device for controlling devices in response to the recognition of specified sounds (Col. 1, lines 1-6), wherein identifying keywords in a broadcast and providing the user with a functional

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control of a device prevents from requiring a large investment on the part of broadcasters, advertisers and cable companies (Col. 1, lines 46-51).

As per claim 18, Shintani, in view of Kahn, teach a device as claimed in claim 12, but they do not specifically mention a comparison unit (18) for comparing the text information (T2) with stored texts (Ts).

However, Wolff et al. teach a comparison unit (18) for comparing the text information (T2) with stored texts (Ts) (Step 66 from Fig. 5, also Col. 4, lines 25-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a comparison unit (18) for comparing the text information (T2) with stored texts (Ts) as taught by Wolff et al. for Shintani's method, as modified by Kahn, because Wolff provides a keyword listening device for controlling devices in response to the recognition of specified sounds (Col. 1, lines 1-6), wherein identifying keywords in a broadcast and providing the user with a functional control of a device prevents from requiring a large investment on the part of broadcasters, advertisers and cable companies (Col. 1, lines 46-51).

As per claim 19, Shintani, in view of Kahn and Wolff et al., teach a device as claimed in claim 18, in which the comparison unit (18) is connected to the optical reproduction unit (12) (Wolff's Step 66 "keyword detected?" from Fig. 5 (comparison unit) connected to display 76 from Fig. 5, see also Col. 4, lines 37-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the comparison unit (18) being connected to the optical reproduction unit (12) as taught by Wolff et al. for Shintani's method, as modified by Kahn, because Wolff provides a keyword listening device for controlling devices in response to the recognition of specified sounds (Col. 1, lines 1-6), wherein identifying keywords in a broadcast and providing the user with a functional control of a device prevents from requiring a large investment on the part of broadcasters, advertisers and cable companies (Col. 1, lines 46-51).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) as applied to claim 1 above, and further in view of Boman et al. (US Patent 6,480,819).

As per claim 11, Shintani, in view of Kahn, teach a method as claimed in claim 1, but they do not specifically mention the input signals (S1, S2) being television signals.

However, Boman et al. teach the input signals being television signals (Col. 2, lines 12-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the input signals (S1, S2) being television signals as taught by Boman et al. for Shintani's method, as modified by Kahn, because it provides the user with more options for viewing content.

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10. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) and Wolff et al. (US Patent 5,946,050) as applied to claims 8 and 18 above, and further in view of Freeman et al. (US 2002/0129374).

As per claim 10, Shintani, as modified by Kahn and Wolff et al., teach a method as claimed in claim 8, but they do not specifically mention in the case of correspondence between the text information (T2) and stored texts (Ts) the audio information (A2) and possibly also video information (V2) of the second input signal (S2) is reproduced instead of the audio information (A1) and possibly also video information (V1) of the first input signal.

However, Freeman et al. teach in the case of correspondence between the text information (T2) and stored texts (Ts) the audio information (A2) and possibly also video information (V2) of the second input signal (S2) is reproduced instead of the audio information (A1) and possibly also video information (V1) of the first input signal (Paragraphs [0135], [0138]-[0139], and [0141]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of in the case of correspondence between the text information (T2) and stored texts (Ts) the audio information (A2) and possibly also video information (V2) of the second input signal (S2) is reproduced instead of the audio information (A1) and possibly also video information (V1) of the first input signal as taught by Freeman et al. for Shintani's method, as modified by Kahn, because using stored personal profile information allows the system to switch interactively between

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data streams and video signals without any additional response from the user

(Paragraph [0065]).

As per claim 20, Shintani, in view of Kahn and Wolff et al., teach a device as claimed in claim 18, but they do not specifically mention a switching unit for switching over the reproduction of the input signals (S1, S2), which switching unit is connected to the comparison unit (18).

However, Freeman et al. teach a switching unit for switching over the reproduction of the input signals (S1, S2), which switching unit is connected to the comparison unit (18) (Paragraph [0135], wherein the comparison unit is the processor 360 which makes decisions based on key inputs or personal profile information and wherein the switching unit is the control program 352, which controls the switching as explained in paragraphs [0136]-[0141]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a switching unit for switching over the reproduction of the input signals (S1, S2), which switching unit is connected to the comparison unit (18) as taught by Freeman et al. for Shintani's device, as modified by Kahn and Wolff et al., because using the comparison unit with stored personal profile information allows the system to switch interactively between data streams and video signals without any additional response from the user (Paragraph [0065]).

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani (US Patent 5,602,598) in view of Kahn (US Patent 7,013,273) as applied to claim 12 above, and further in view of Nakadai et al. (US Patent 5,732,394).

As per claim 17, Shintani, in view of Khan, teach a device as claimed in claim 12, but they do not specifically mention a switching device (17) for switching over parameters (Pi) of the speech recognition means (11) on the basis of the text information (T2) of the second input signal (S2).

However, Nakadai et al. teach a switching device (17) for switching over parameters (Pi) of the speech recognition means (11) on the basis of the text information (T2) of the second input signal (S2) (spectral parameter extracting part 13 and trigger switch 14 from Fig. 5 and Col. 10, lines 52-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a switching device (17) for switching over parameters (Pi) of the speech recognition means (11) on the basis of the text information (T2) of the second input signal (S2) as taught by Nakadai et al. for Shintani's device, as modified by Kahn, because Nakadai provides a word speech recognition methods and apparatus which reduce recognition errors caused by speech or utterance variations at the speech start and end points of the unknown speech pattern partly by analyzing the input speech signal and extracting a sequence of spectral parameters (Col. 5, lines 56-65).

Conclusion

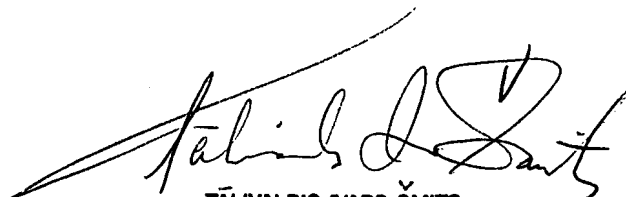
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie Lennox whose telephone number is (571) 270-1649. The examiner can normally be reached on Monday to Friday 9:30 am - 7 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/05/2007


TĀIVALDIS NARS ŠMITS
PRIMARY EXAMINER